

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #12	CCRB Case #: 201802572	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/02/2018 3:00 PM	Location of Incident: 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 10/2/2019	EO SOL 10/2/2019	
Date/Time CV Reported Tue, 04/03/2018 11:53 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/03/2018 11:53 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Vanessa Rodriguez	06334	962061	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Yingyin Yu	00087	948521	044 PCT
2. POM Todd Campbell	16206	931576	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Vanessa Rodriguez	Discourtesy: Police Officer Vanessa Rodriguez spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

CCRB Statement

On April 3, 2018, § 87(2)(b) filed this complaint with the CCRB via phone. § 87(2)(b)

On April 2, 2018, at 1:45 p.m., § 87(2)(b) was in front of 29 East 170th Street in Manhattan, when he was arrested for petit larceny by PO Vanessa Rodriguez and PO Todd Campbell of the 44th Precinct. § 87(2)(b) was then transported to the 44th Precinct stationhouse and placed in a holding cell. While there, § 87(2)(b) suffered a panic attack and informed PO Rodriguez that he required medical attention. While in the cell, § 87(2)(b) briefly interacted with PO Rodriguez, Sgt. Ying-Yin Yu of the 44th Precinct, and unidentified officers, during which time PO Rodriguez allegedly told § 87(2)(b) to “shut the fuck up” (**Allegation A: Discourtesy – Word**, § 87(2)(g)). § 87(2)(b) was transported to § 87(2)(b)

at approximately 3:00 p.m.

Video footage from the 44th Precinct stationhouse was obtained; however, it did not show the relevant portions of this incident.

Findings and Recommendations

Allegation A: Discourtesy – Police Officer Vanessa Rodriguez spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that a few minutes after he was placed inside of the holding cell, he experienced a panic attack and shortness of breath, which caused him to yell to attract officers’ attention. After about 15 minutes of continuous yelling, PO Rodriguez, Sgt. Yu, and about six unidentified officers entered his cell and inquired about the noise. § 87(2)(b) informed Sgt. Yu that he required medical assistance. Sgt. Yu informed § 87(2)(b) that he needed to wait, and that he was going to contact EMS and all officers exited § 87(2)(b)’s cell. After about two hours, PO Rodriguez, Sgt. Yu, and a few uniformed officers, some of whom visited § 87(2)(b) earlier, entered his cell. § 87(2)(b) who was upset and spoke in an elevated tone, informed PO Rodriguez that two hours had passed since their last interaction and he was still not seen by EMS. PO Rodriguez replied, “Shut the fuck up” and § 87(2)(b) answered her, “You shut the fuck up, why are you telling me to shut up? That’s very unprofessional.” PO Rodriguez, who was standing about five feet away from Sgt. Yu and remaining unidentified officers, did not respond to § 87(2)(b) and Sgt. Yu ordered her to exit the cell (**Board Review 01**).

PO Rodriguez acknowledged approaching § 87(2)(b) while he was inside of his cell on three separate occasions. At one point, § 87(2)(b) informed PO Rodriguez that he was suffering from a panic attack and was short of breath. PO Rodriguez shared this information with Sgt. Yu, who called EMS. Once the EMTs arrived at the stationhouse, PO Rodriguez, Sgt. Yu, and an unknown officer entered § 87(2)(b)’s cell to prepare him for transport to the hospital. PO Rodriguez recalled that at this point § 87(2)(b) was still yelling, though she did not remember any of his specific statements. While inside of § 87(2)(b)’s cell with Sgt. Yu and an unidentified officer, PO Rodriguez instructed § 87(2)(b) to be quiet, however, she did not remember how exactly she phrased her command. PO Rodriguez denied telling § 87(2)(b) to “shut the fuck up” or using any profanity while speaking to him. Once the EMTs entered the cell, § 87(2)(b) stopped yelling. PO Rodriguez denied being instructed by Sgt. Yu or another officer to exit § 87(2)(b)’s cell (**Board Review 02**).

Sgt. Yu had no independent recollection of this incident. He stated that at the time of the incident, he was assigned to the desk at the 44th Precinct, though he did not specifically recall what he was doing. Sgt. Yu did not remember if PO Rodriguez informed him that § 87(2)(b) required medical attention and if he heard § 87(2)(b) yell from inside of his cell. Sgt. Yu did not recall if he entered § 87(2)(b)'s cell with PO Rodriguez, and if she instructed § 87(2)(b) to be quiet. Sgt. Yu did not remember whether PO Rodriguez told § 87(2)(b) to “shut the fuck up” and if he ever instructed PO Rodriguez to exit the cell for any reason **(Board Review 03)**.

The holding pen roster from the 44th Precinct did not list any additional officers present within the holding cell area at the time of this incident, who could have potentially witnessed this incident **(Board Review 04)**.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been involved in two prior CCRB complaints, § 87(2)(b), § 87(2)(g) **(Board Review 05)**.
- PO Rodriguez has been a member of service for two years and has not been a subject in any prior CCRB complaints **(Board Review 06)**.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- According to Office of Court Administration (OCA) records, § 87(2)(b) has no criminal convictions in New York City **(Board Review 07)**.
- As of June 5, 2018, there was no notice of claim filed for this complaint **(Board Review 08)**.

Squad No.: 12

Investigator: _____ INV. WORONIECKI 08/31/2018
Signature Print Title & Name Date

Squad Leader: _____ IM RIGIE _____
Signature Print Title & Name Date

Reviewer: _____ _____ _____
Signature Print Title & Name Date